

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION**Electronic Communication****Title:** (U) OCE Account Creation**Date:** 03/09/2018**From:** SAN FRANCISCO

SF-C7

Contact: OCE-8148, 202-324-1234**Approved By:** Katherine E. Ablett**Drafted By:** OCE-8148**Case ID #:** 58D-SF-2113481-UC (U) Operation Clutch Council
CDPO-Federal Bribery - Other**Synopsis:** (U) To report creation of usernames and accounts by OCE-8148 in support of online covert activity.**Details:**

On March 7, 2018, OCE-8148 created the following online usernames /accounts to support online covert activity in this investigation:

Site	Username	Password
bitcointalk.org	ModernReboot	
mail.protonmail.com	j1lern70	

◆◆

UNCLASSIFIED

Quinn, Ethan A. (SF) (FBI)

From: Steven whtton <steven.whtton@btinternet.com>
Sent: Friday, May 04, 2018 5:56 PM
To: Quinn, Ethan A. (SF) (FBI)
Subject: Fwd: NAC Foundation, LLC - Cease and Desist
Attachments: 05.04.18 Letter to Steven Whitton re NAC Foundation LLC.pdf

Hi Ethan forwarded the Cease and Desist Email received today from NAC, Slightly different from others as no refund offered. I know ModernReboot has been forwarding the information we have found and it's my belief you have everything we have, Will search for Bitcoin address i made payment with over the weekend and forward information.

Steven

Sent from my iPad

Begin forwarded message:

From: Michael Esposito <mesposito@Gtg.legal>
Date: 4 May 2018 at 22:26:50 BST
To: "steven.whtton@btinternet.com" <steven.whtton@btinternet.com>
Cc: Eric Olsen <eolsen@Gtg.legal>, Anna Diallo <ADiallo@Gtg.legal>
Subject: NAC Foundation, LLC - Cease and Desist

Mr. Whitton,

Good Day. My name is Michael R. Esposito, and I am an attorney with Garman Turner Gordon, LLP in Las Vegas, Nevada, USA. Please see the attached letter on behalf of our client, NAC Foundation, LLC. We expect to have a response from you no later than May 7, 2018 at 9:00 A.M. PST. If you have any questions about anything enclosed, please contact myself or Mr. Olsen immediately.

Michael R. Esposito

Attorney

Phone: 725 777 3000 | Fax: 725 777 3112

GARMAN | TURNER | GORDON

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FW: call from Michael Critchley

From Kerrie Dent <KDent@KSLAW.com>

To [REDACTED]

CC Mike Shepard <mshepard@kslaw.com>, Dainec Stefan <DStefan@kslaw.com>, Cindy Diamond <cindy@cadiamond.com>

Date Sunday, March 9th, 2025 at 1:08 PM

Marcus-

Per your request, here is Cindy's report of her call from Michael Critchley.

Thanks,

Kerrie

From: Cindy Diamond <cindy@cadiamond.com>

Sent: Saturday, March 8, 2025 3:24 PM

To: Mike Shepard <mshepard@kslaw.com>; Dainec Stefan <DStefan@kslaw.com>; Kerrie Dent <KDent@KSLAW.com>

Subject: call from Michael Critchley

CAUTION: MAIL FROM OUTSIDE THE FIRM

Hi all,

I got a call from Micheal Critchley today. I had never talked to him before and he told me he was an AML Bitcoin token purchaser, who obtained his AML Bitcoins. Critchley had been inspired to call, he said, because of what people on a Telegram channel are saying about Marcus and his company, now. He sent me two screen shots. See attached. There is a chat that follows the trial. Critchley says he thinks people in the chat are trying to take Marcus down, and he suspects one of them may be an agent. (I did not ask him any details about this.)

Critchley told me that he called because he feels bad, he knows Marcus is, still, being attacked by people who want his tech - that Marcus's tech was completed, it worked, he went through it, a bunch of people he worked with went through it, and he thinks Marcus was being surrounded by people that wanted to take control of his company and his idea. That Marcus was well-meaning and sincere throughout. Etc. Critchley bought his token from the ICO. He saw some of the Block Bits advertising, knew they were promoting something different, and did not buy into any BB

entity. Critchley lives in up state NY, would be willing to fly here Monday, and told me he called just in case he can help. He feels strongly that Marcus was well-intentioned with his goal to make AML Bitcoin.

I told Critchley that (a) it was likely too late as the defense rested already and (b) it is unlikely the judge would have let anything related to 2020 come into the trial as evidence ... but also that I would tell Mike and my co-counsel about his interest in helping.

Michale Critchley's phone number is 1-914-456-7692.

Just noting this.

Also noting this in case, in the future, we need sentencing witness support.

--

Cindy A. Diamond

Attorney at Law

408.981.6307

cindy@cadiamond.com

King & Spalding Confidentiality Notice:

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301.28 KB 1 file attached

Critchley_screenshots.pdf 301.28 KB

Ajoelle#8302

general

Search

WELCOME TO THE SERVER, AJOELLE!

Learn about **Discord** at your own pace by exploring the floating quest indicators.

Invite your friends to this server by clicking on a share button when you're ready.

Download the desktop app for system-wide Push to Talk, lower CPU and bandwidth usage, and more.

Stay connected to your server from your smartphone and even use Discord while console gaming.

Reach us via [our help desk](#) or on Twitter [@discordapp](#) if you have any questions or need help.

Welcome, ModernReboot. We were expecting you (٩_٩) Last Friday at 10:23 PM

We've been expecting you Lisa Last Friday at 11:30 PM

April 28, 2018

A wild Encon appeared. Yesterday at 11:15 AM

Encon-Yesterday at 11:16 AM

I'm here finally. Steven thanks for setting up the action group. It was nice talking to both you and Modern Reboot on phone today.

steven-Yesterday at 11:24 AM

Was a pleasure Encon I have asked Lisa to send a friend request to you and only that! Talk when we all get here later

Encon-Yesterday at 11:24 AM

Thanks bud!

steven-Yesterday at 11:25 AM

Encon-Yesterday at 11:27 AM

I have emailed you contact to the BIG BOYS and they will contact you...no response yet. ModernReboot, I did the same and it was acknowledged that you will get a call.

steven-Yesterday at 11:31 AM

Fantastic Encon thanks for the Amazing work you have done, we are with you 100%

Encon-Yesterday at 11:44 AM

you're welcome

steven-Yesterday at 1:02 PM

After speaking to Encon about his failed attempt to sell tokens to frillywilly and my suspicions that he works for NAC I decided to approach him knowing if he was a NAC employee he would have no interest in buying tokens but because of his outspoken posts saying the opposite I suspected he would show interest and use stalling tactics, here is the

copy of our PM. ME: I see your attempt to buy Encon tokens failed and since you are so enthusiastic about the project would you like to buy my AML Bitcoin tokens 4500 PHIL: We are still working on purchasing a large number but ENCON is wushu washy over it all and don't know what will happen. If something happens with that I'll buy yours. What price? Since you don't like ABTC I'll buy all them at .80 cents a piece? ME: I spoke with Encon before messaging you because I wouldn't have made the offer if he was still involved in a deal with you, I am happy to accept 0.80 PHIL: Ok Why the rapid change in you? What happened??? You were so positive awhile back! Just curious. You don't have to answer. ME: I have changed my mind about the project, lack of news and Melissa yesterday Wow. Ok. Let's work it out through Melissa or David their attorney. You good with that? We have to keep our privacy from one another and keep it legit. I can have money by end of next week. I'm at my daughters volleyball tourney in Reno for 4 Day's. ME: Cool Thank you! I'll look into it when I can. Sorry to see you go. PHIL: Are you in agreement with what I've said and who'd we use? PHIL: If I can make it work PHIL: Is that all you have or want to sell? PHIL: I meant through David their attorney. If we can work that, that would be great! Is that ok with you? ME: Seems fine to me PHIL: Thank you!!! PHIL: I'll work on it!!!(edited)

Encon-Yesterday at 1:05 PM

Thanks for posting this here. Trust me, nothing is going to happen. He will keep making new offers, telling you of other buyers interested and nothing ever happens. Keep trying, lets see what he says.

steven-Yesterday at 1:08 PM

I know mate I just wanted confirmation he was involved in this scam, I believe this PM proves it along with his actions, asking for us to keep privacy from one another and involving Melissa and David who we know as scammer

Encon-Yesterday at 1:09 PM

I'm convinced he's very much part of the scheme.

steven-Yesterday at 1:09 PM

I found it interesting he says end of next week, I hope they are not feeling the heat and planning disappearing

He questioned me looking for information if you read hoping to know what I know

Encon-Yesterday at 1:11 PM

No I don't think they're feeling any heat yet. There is nothing to make them feel it yet.

steven-Yesterday at 1:12 PM

I hope so but I suspect you're right, they intend to keep up the pretence as long as possible

Encon-Yesterday at 1:13 PM

They want to keep pretense and we want it that way too.

steven-Yesterday at 1:14 PM

Message between us took place 5 minutes ago it was always my intentions to post results here

Encon-Yesterday at 1:14 PM

good move

steven-Yesterday at 1:14 PM

Yes I agree, we need to be careful not to give anything away

Encon-Yesterday at 1:15 PM

Right that's why i'm vetting people to contact very carefully

And we need it to remain a secret

steven-Yesterday at 1:15 PM

Agreed

Encon-Yesterday at 1:15 PM

good

steven-Yesterday at 1:21 PM

Encon phil added more to PM so I have updated original post with latest content

Ajoelle hopped into the server. Kangaroo!!Yesterday at 1:48 PM

Ajoelle-Yesterday at 1:51 PM

Hey all. Thanks for the invite Steven. I was telling him a few minutes ago that I have plans around the time everyone is hopping on here so I'll be in and out a bit but I will catch up with the discussion later on.

Lisa-Yesterday at 5:01 PM

Morning all! I have to say just when I thought nothing could shock me I read the conversation between you and Phil and find out Marcus is bankrupt. I'm worried that they'll disappear soon they may have already moved the money offshore somehow I'd like to propose we email together asking for a 100% refund

steven-Yesterday at 5:02 PM

Have you spoken privately to Encon

Lisa-Yesterday at 5:02 PM

Otherwise they'll just string us along with 'end of the week'

No

steven-Yesterday at 5:03 PM

Well I are in for a shock

I will let him speak with the private group together

Lisa-Yesterday at 5:04 PM

Oh no

Ok

steven-Yesterday at 5:04 PM

We talked on telephone today I left message for you on Telegram

With his Facebook details so u could add him as a friend and talk on phone,he didn't want to discuss on messaging services

I think he should be cool discussing here now we are private

Encon-Yesterday at 5:08 PM

Lisa we need to talk

Please send me a facebook invite Maurice Musiitwa

Lisa-Yesterday at 5:12 PM

Just connected are you free now?

Can a bankrupt run a company?! Is that why the company is registered in someone else's name in Florida

steven-Yesterday at 5:27 PM

You can't run a company for 7 years after bankruptcy is my understanding

ModernReboot-Yesterday at 5:43 PM

hey all. just got here and caught up.

steven-Yesterday at 5:43 PM

Cool

ModernReboot-Yesterday at 5:43 PM

was out at a winery with my family and some friends #firstworldproblems
encon, nice chatting this morning
steven-Yesterday at 5:44 PM
Lisa and Encon are talking on Facebook they should be with us any minute
ModernReboot-Yesterday at 5:44 PM
great. i'm going to check out the links in the main group
Encon-Yesterday at 5:45 PM
We're done speaking.
But i have two babies here, so I am kind of single handed
steven-Yesterday at 5:45 PM
Lol
Today was interesting to say the least,
Lisa-Yesterday at 5:46 PM
Haha! You've got better things to do
ModernReboot-Yesterday at 5:47 PM
jesus. i just skimmed the bankruptcy. dude owed \$70k to the IRS
Encon-Yesterday at 5:47 PM
oh god
ModernReboot-Yesterday at 5:48 PM
and his house was foreclosed
steven-Yesterday at 5:56 PM
wounded if he still has the rolls he's pictured with
That transaction in explorer Encon posted is not possible if they distributed 60 million
Token's like they say and the explorer does not lie
ModernReboot-Yesterday at 6:00 PM
exactly
there's some fuckery with the explorer too. i started with block 0 and tried to follow the
transactions. it all goes weird about 3 transactions in
steven-Yesterday at 6:04 PM
That's strange I will have a look tomorrow
ModernReboot-Yesterday at 6:07 PM
yeah. i'd be interested in your view on it. i'm no expert for sure
Encon-Yesterday at 6:07 PM
lets discuss that in general chat
Guys, E Q just responded with this "Thank you for passing that along. I'll reach out to the
others this week. "
ModernReboot-Yesterday at 6:45 PM
ha. you make friends fast, man
Encon-Yesterday at 7:04 PM
You're welcome --lol
Action group, we need to be consistently stamping out ALL fake account posts every time
on Bitcoin talk. I have assisted AM2018, we need to step up the game. Don't fear to use the
word SCAM, we're the victims here. David Salmon is the one who needs a court order
against him, not you!
Lisa-Yesterday at 7:09 PM

Would it be helpful too to try and build our numbers in the open discord chat so there's a centralised list of concerned investors?

I must admit the minute I thought it was being trolled I stopped inviting people. What do you think

Encon-Yesterday at 7:11 PM

Feel free to invite anyone in the general chat including trolls, we don't care that side

Lisa doesn't think we should go hard on them to call it SCAM, I get the point, lets just keep pushing for refunds.

ModernReboot-Yesterday at 7:20 PM

ok

steven-Yesterday at 7:57 PM

Agreed I'm up for that

April 29, 2018

Ajoelle-Today at 3:13 PM

Hey all, sorry I'm just catching up from yesterday. Looks like I missed a lot!

steven-Today at 4:44 PM

We are doing our best to uncover information and turning up the heat on NAC Ajoelle

Ajoelle-Today at 5:20 PM

Great!! I hope this gets NAC to finally talk

Encon-Today at 5:21 PM

We're in the General chat Ajoelle

Lisa and Steven. The idea of asking for group refund, is great and you should pursue it. But don't include me since I already sent a NAC and David a tough email today threatening to bring the story to the media if they don't give me my money back. I don't want my actions to hinder your chances of a refund. what do you think?

Lisa-Today at 5:30 PM

Sure happy to go ahead but I really want to do it today

Encon-Today at 5:33 PM

What's steven's opinion on my text above?

steven-Today at 5:39 PM

I thought we decided not to scare them off?

I don't believe for one minute they will give money back,if it's a scam they won't if it's legit they might but would you want a refund if legit?

I want out and don't want to be part of a project that treats people so badly

Encon-Today at 5:55 PM

I suggest you guys request a refund with your names only. They already know how I feel. I have had long standing confrontations with them. You guys are clean.

I requested the refund as an individual. This is not new, its a continuation from previous requests. You guys have zero requests.

steven-Today at 6:14 PM

I know you have been in contact with NAC for refund but what I'm getting at is threatening to go to media might frighten them off

But what's done is done I don't see why we should hold back with NAC anymore

Lisa-Today at 6:17 PM

Encon let's include you - the more attempts you've made the better and we are stronger together

They've followed all our chats and are expecting it

steven-Today at 6:20 PM

Agreed I just didn't understand why Encon does not want to request a refund with us! If there a scam we are stronger together

We are expecting some sort of communication from Marcus which should confirm our fears,if it's all a scam Marcus will not come out in open,we need to force them to list this coin,only way for money back for everyone

I'm going to PM Melissa tomorrow and request a video call with Marcus to talk about the project and get him to answer the questions we have! I will tell her we will stop the campaign and delete messages also help promote ABTC if Marcus can provide project is legitimate and agree to list coin on exchange immediately

I don't think this is too much to ask if everything is legitimate

Encon-Today at 6:48 PM

Guys I would love to be included with you but I'm worried I have been confrontational with them since December last year. I have threatened litigation repeatedly. I don't want hurt everyone's chances. If you don't think this will hurt you, i can be included.

steven-Today at 6:50 PM

Think our chances are 0 anyway so I don't think we have anything to loose together,can we hold of couple of days to give everything we have to resolve the problem first(edited)

We owe it to ourselves to be 100% sure and right now I'm 99%

We're involved in a scam

Lisa-Today at 7:04 PM

Steven - do you want to try the refund path give them 24 hours to give us out cash and then the video call/say nothing path?

We're def involved in a scam but who knows maybe they'll pay us to go away

Encon-Today at 7:11 PM

okay guys. I'm in please include me.

Lisa-Today at 7:11 PM

Nothing to loose!

Could you pl check the other chat re the details I require

Lisa-Today at 8:12 PM

How is this - Dear Melissa and Aml bitcoin management, As has been expressed in various forums a number of us have become deeply concerned about the validity of this project due to the lack of transparency the inability to deliver and the failure to meet set business goals. As a consequence we would like a full refund paid immediately to - Lisa Tippet Bank account - Amount - Steven Whitton - Account - Amount Maurice Musitwa Account - Amount - We suggest it is in the best interests of everyone that you refund our money immediately as we imagine it would be your preference to have people who feel the way we do released from any further involvement. Regards, Lisa, Steven, and Maurice

Ajoelle would you like to be a part of this approach? If so pm me you're details

Encon-Today at 8:23 PM

Sound good but it doesn't address how we return their tokens to them. They will reject it if that's not included. How do we address that? And it must be a give and take.

Lisa-Today at 8:25 PM

Absolutely - how about we say that we await instructions on how to return the tokens upon the refund of our funds.

Encon-Today at 8:28 PM

We could try that but it means that they will trust us to return their tokens after we get our refund. Knowing how they struggled to get tokens from Slowdown.....I don't know if they will be open to it. Anyway we've got to try something.

Steve and Ajoelle are offline, lets wait for their input.

ModernReboot too. The more the better.

Lisa-Today at 8:34 PM

Agree! Seriously why would anyone mess around with given the tokens back. I don't understand at all

Encon-Today at 8:44 PM

Well they will claim they can't approve the refund until they get their tokens back.

Lisa-Today at 8:44 PM

I'm happy to give them back but what happens then? We have no evidence of ever having them?

I think that's very risky

The money needs to be in our accounts before we give back the tokens

Think about it this way The money left your account then you got the tokens, the same must apply here

Encon-Today at 8:45 PM

It's risky either way we attempt it. The Attorney David Salmon offered to be a middle man if they approve the refund. I don't know if we can trust him.

Lisa-Today at 8:46 PM

In what way?

What's his role exactly?

No one needs an attorney to refund a customer

No way do I want to involve him

Encon-Today at 8:47 PM

Exactly!

Lisa I have to put kids to bed

Lisa-Today at 8:47 PM

Glad you told me that

Encon-Today at 8:47 PM

Good night

Lisa-Today at 8:47 PM

Bye, chat later

Encon-Today at 8:47 PM

k

steven-Today at 4:04 AM

Catching up guys and girls fell asleep last night lol with time difference it's normally 12am when we get together in my time zone

Any refunds NAC process will be in fiat and calculated at bitcoin prices at time of ICO sale,this would mean NAC keeps half of money invested even giving refunds,this is what they did to Slowdown,

Lisa-Today at 4:07 AM

Sorry! That must mess with your sleep patterns.

I was thinking that too

It would only be fair to be converted to USD

steven-Today at 4:08 AM

Lol yeh but I enjoy getting together with you guys and girls

Lisa-Today at 4:09 AM

Haha every day has been full of surprises to say the least

steven-Today at 4:10 AM

Yep and today will be no different,I am pushing for a video call with Marcus today

Lisa-Today at 4:10 AM

Good one

steven-Today at 4:12 AM

If this project is legitimate they would want to stop this bad publicity and would be happy to answer reasonable questions,if it's not they will continue to hide

The involvement of FBI is very concerning

Lisa-Today at 4:13 AM

Very

steven-Today at 4:13 AM

SEC should be made aware

Lisa-Today at 4:13 AM

Is it safe to talk about that here

steven-Today at 4:14 AM

Yes this is private chat

Lisa-Today at 4:14 AM

I don't feel safe

Ok

steven-Today at 4:14 AM

Only 5 members here

Lisa-Today at 4:14 AM

Ok great

steven-Today at 4:15 AM

I can see who joined

Lisa-Today at 4:15 AM

Have you spoken to them all so you know their real identities?

There's only you and Encon that I have

steven-Today at 4:17 AM

Others that are here you can see if scrolling up it's just our core members and all check out Lisa

Our core members need to know what's going on otherwise we are no better than NAC

And if they don't have all information they might not think asking for refund is warranted at this point

Lisa-Today at 4:20 AM

Ok that's fine

I agree this is full on

steven-Today at 4:22 AM

We will fight for everyone but our core members deserve to be first in line for a refund after the work they've put in exposing this fraud

Lisa-Today at 4:32 AM

True

ModernReboot-Today at 9:19 AM

Morning all. sorry i was out all day yesterday

i'm in for the refund. my full name is Joseph Lerner

Steven, you're right: any company or organization would be falling over themselves to sooth hurt feelings and assure us "whiners" that everything was ok

steven-Today at 9:36 AM

Thanks mate let's see what happens

Encon-Today at 10:49 AM

Guys I'm at work but here's a quick update. I just spoke to EQ he says he's going to speak to you guys today. He has also confirmed that the SEC has been notified about this. And The secretary of state for the state of Nevada has been notified as well. We should not need to notify those agencies. He says we should just keep pushing to get our money back.

Again keep this Confidential

Encon-Today at 11:36 AM

Guys David Simon just called me back about a refund email I sent to them yesterday. Says NAC will take a hard stand on this no refund. And I told him that I am to share my story with all news media is in the country. Who says that's fine but they're looking for some legal action against me. Although he won't say that they are threatening me. I told him David if you were standing behind a fraud you have no legal standing and I welcome any legal action. I insisted to speak to the people in the white paper. He says they're not located in US, I told him the company is registry Nevada. He also says I have no right to speak to them since I'm not a shareholder. Bull crap! Not if they took my money I told him. It's amazing the attorney is ready to lie for NAC. I immediately called EQ and updated him on this!

steven-Today at 1:04 PM

Crazy Encon Ethan called me today but I was on my bike I have one of them high end electric bikes lol doing my bit for the planet anyway I cut him off when answering and couldn't get back in touch as was through to a switch board,he left email address so I have emailed him to call back soon as

This David Guy must be in on the whole thing

FEDERAL BUREAU OF INVESTIGATION

Date of entry 05/17/2018

On March 21, 2018, OCE-8149 was located at 3595 California Street, San Francisco, California and created the following accounts:

Site	Username	Password
bitcointalk. org	AMLBTCconcerns	[REDACTED]
mail. protonmail.com	AMLBTCconcerns	[REDACTED]!

The username for the MacBook Air with serial number C02W9209J1WK is James Woods and the password is "intothewoods".

Investigation on 03/21/2018 at San Francisco, California, United States (, Other (Internet))

File # 58D-SF-2113481-UC Date drafted 03/21/2018

by OCE-8149

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FBI-UC-000035

At Paragraph 38

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ROWLAND MARCUS ANDRADE

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROWLAND MARCUS ANDRADE,

Defendant.

Case No. 3:20-cr-00249-RS-LBx

**DECLARATION OF KERRIE C. DENT IN
SUPPORT OF DEFENDANT ROWLAND
MARCUS ANDRADE'S THIRD MOTION
TO COMPEL DISCOVERY**

Date: February 8, 2024
Time: 9:30 a.m.
Judge: Hon. Laurel Beeler

DECLARATION OF KERRIE C. DENT

I, Kerrie C. Dent, counsel for Defendant Marcus Andrade, states as follows:

1. I am one of the lawyers representing Defendant Marcus Andrade in the above-captioned matter. I have personal knowledge of the discovery disputes and related correspondence with the government and, if called as a witness in this matter, could competently testify to the matters stated in this Declaration. Because of the massive amount of data that has been produced, and the fact that much of it has been produced without individual Bates numbers and in native format, it has been challenging to determine exactly what has been produced. Together with my paralegal and numerous members of our Discovery Center staff in King & Spalding's Atlanta office, I have been working extensively with our eDiscovery experts at Lineal, for more than a year, to identify which materials remain unproduced. If there are materials requested in our third motion to compel, and described below, that the government believes it already has provided, we have asked that the government provide Bates numbers to assist us with finding those documents.

2. All exhibits presented in support of this third motion to compel are true and correct copies of documents I have obtained through discovery or as part of defense preparation, and each exhibit is incorporated by reference. To ensure compliance with the Protective Order (Dkt # 24) that governs this case, we are filing this Declaration and the attached exhibits under seal.

Nature of the Discovery Sought

3. This case is set for trial on August 5, 2024, and, on behalf of Mr. Andrade, we seek to have the Court order the government to address the outstanding discovery issues promptly. The vast majority of the discovery requests addressed in Mr. Andrade's third motion

1 to compel were made well over a year ago in five separate discovery letters,¹ and a few of the
2 requests stem from more recent letters I sent to the government on July 31, 2023 and September
3 11, 2023.² Some of the unproduced discovery was requested nearly two years ago, and some of
4 it was fully briefed in Mr. Andrade's lengthy second motion to compel, filed more than a year
5 ago, on November 28, 2022 (Dkt. #120).

6
7 4. Mr. Andrade's third motion to compel seeks discovery as basic as his own cell
8 phones seized from him in 2020 and recordings of Mr. Andrade referenced in the government's
9 own materials that the government still has not produced. Production of alleged co-schemer Jack
10 Abramoff's devices also remains incomplete. The government also has not fully produced
11 records obtained through grand jury subpoenas that are material to the preparation of Mr.
12 Andrade's defense. Nor has it sought information in the possession of other agencies with which
13 the government worked in this investigation.

14
15 **Results of the Meet and Confer Process Were Insufficient**

16 5. The parties met and conferred regularly throughout the first nine months of 2023.
17 We have attempted to obtain discovery without resorting to another motion to compel, to no
18 avail. My colleagues and I have had ongoing discussions with the government lawyers
19 concerning the timing of their production of documents, the schedule for responding to our
20 requests and letters, and related discovery issues. We discussed numerous discovery issues,
21 including the issues that are the focus of the accompanying third motion to compel, and that are
22 addressed in more detail below.
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25

26 ¹ See Exh. 1, Discovery Letter (Mar. 3, 2022); Exh. 2, Discovery Letter (Mar. 7, 2022); Exh. 3, Discovery Letter
27 (May 10, 2022); Exh. 4, Discovery Letter (July 15, 2022); and Exh. 5, Discovery Letter (Oct. 14, 2022).

28 ² See Exh. 6, Letter from K. Dent to AUSA Highsmith (July 31, 2023) and Exh. 7, Letter from K. Dent to AUSA
Highsmith (Sept. 11, 2023).

6. On May 10, 2023, to minimize the time the Court would have to spend on the many outstanding discovery issues, I sent AUSA Highsmith a 13-page letter, setting forth our arguments and detailing the evidence that supports our requests.³ We met and conferred several times after that and exchanged emails relating to the unproduced materials. On September 14, 2023, the government advised us that it that it “has already produced all material in accordance with its Rule 16 obligations, *Brady* and *Giglio*, and the Court’s April 7 discovery order. There is no need to further discuss the letter or to meet-and-confer about it.”⁴

The Requested Documents are Material to Our Preparation of Mr. Andrade’s Defense and Also May Include Exculpatory Information

7. This Court ought to compel the government to produce the disputed discovery items described in Mr. Andrade’s third motion to compel because they are “material to the preparation of the defense” under Federal Rule of Criminal Procedure 16, and they will enable Mr. Andrade to explore possible defenses and develop his theory of the case. *See United States v. Olano*, 62 F.3d 1180, 1203 (9th Cir. 1995). The materiality threshold of Rule 16 is “not a heavy burden.” *United States v. George*, 786 F. Supp. 56, 58 (D.D.C. 1992). It is enough if the requested material can play an important role in uncovering admissible evidence, *United States v. Lloyd*, 992 F.2d 348, 351 (D.C. Cir. 1993), or, even if it may lead to nothing helpful to refute the prosecution’s case at all, by causing a defendant to abandon a defense and take a different path, *United States v. Doe*, 705 F.3d 1134, 1151 (9th Cir. 2013). Courts routinely order discovery even if they are not convinced that the material requested will in fact be exculpatory; rather, it is enough if the proffered opportunity to aid the defense is “more than mere speculation.” *See, e.g.*,

³Exh. 8, Letter from K. Dent to AUSA Highsmith (May 10, 2023).

⁴

Exh. 9, Letter from AUSA Highsmith to King & Spalding (Sept. 14, 2023).

1 *United States v. Lov-It Creamery, Inc.*, 704 F. Supp. 132, 1553 (E.D. Wis. 1989).

2 **Discovery Requests Are Likely to Lead to Exculpatory Evidence**

3 8. In response to King & Spalding’s discovery requests, the government often says
 4 that it is not in possession of a particular item or that it already has produced everything in
 5 its possession.⁵ But, our legal research indicates that the prosecutorial team is “deemed
 6 to have knowledge of and access to anything in the possession, custody or control of any
 7 federal agency participating in the same investigation of the defendant,” *United States v.*
 8 *Bryan*, 868 F.2d 1032, 1036 (9th Cir. 1989), and is obligated to produce all the
 9 documents of any agency participating in the investigation that fall within Rule 16 and/or
 10 *Brady*. *United States v. Santiago*, 46 F.3d 885, 894 (9th Cir. 1995); *United States v.*
 11 *Blanco*, 392 F.3d 382, 393-94 (9th Cir. 2004); *United States v. Zuno-Arce*, 44 F.3d 1420,
 12 1427 (9th Cir. 1995). Similarly, if a federal prosecutor has knowledge of and access to
 13 documents that are material to the preparation of the defense under Rule 16, or that
 14 constitute exculpatory information as defined in *Brady* and its progeny, but the material is
 15 outside the district, the prosecution team must disclose it to the defense. *Bryan*, 868 F.2d
 16 at 1037 (rejecting government's argument that Rule 16 and *Brady* material need not be
 17 disclosed if located outside of the district in which the prosecution was pending).

18 9. Ultimately, it is the government’s obligation, and not Mr. Andrade’s, to
 19 determine what documents exist, and to produce them. *Kyles v. Whitley*, 514 U.S. 419,
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 21

22
 23
 24
 25
 26 ⁵ See, e.g., Exh. 9 Letter from USA Highsmith to King & Spalding (Sept. 14, 2023) (without producing any
 27 documents responsive to Mr. Andrade’s requests for SEC and Treasury Department documents, the government
 28 stated: “We have already provided all SEC documents *in our possession*,” and “We have produced the responsive
 [Treasury Department] documents *in our possession*.” (emphasis added).

433 (1995); *United States v. Andrade*, 2023 WL 2838110, *6, No. 20-CR-249 (N.D. Cal. April 7, 2023). This obligation includes the production of destruction reports for evidence the government claims it no longer possesses.⁶ And the government’s own manual makes clear that the prosecutors’ “search duty” applies not only to their *Brady* obligations, but “also extends to information prosecutors are required to disclose under [Rule 16].”⁷ The government has not lived up to those obligations, as is evidenced by the many remaining unproduced materials at the core of Rule 16, and the lack of production of any destruction reports for missing materials.

DOCUMENTS AND ITEMS REQUESTED

A. Andrade’s Mobile Phones

10. With a trial seven months away, the government has not produced Mr. Andrade’s four cell phones (2 Motorola phones and 2 LG phones) that were among the eighteen (18) devices it seized from him nearly *four years ago*.⁸ On January 12, 2024, I sent the government a detailed letter reminding the AUSAs of the history of the government’s failure to provide Mr. Andrade with his own cell phones. We asked the government to immediately produce the images that were taken of Mr. Andrade’s four cell phones at the time they were seized during the

⁶ See *Brady v Maryland*, 373 U.S. 83 (1963); *United States v. Cooper*, 983 F.2d 928, 931 (9th Cir. 1993) (destruction of laboratory equipment allegedly used by defendant to manufacture methamphetamine violated due process where evidence was destroyed in bad faith and defendant was unable to obtain comparable exculpatory evidence by other reasonably available means).

⁷ Dep’t of Justice, Justice Manual, 9-5.001(B)(2) and 9-5.002(A).

⁸ Exh.10, Letter from AUSA Weingarten to King & Spalding (Sept. 6, 2022) (reporting that the FBI has eighteen of Mr. Andrade’s devices in its possession).

1 search of his home in March 2020, and the full Cellebrite reports that were in the possession of
2 the forensics laboratory as it conducted its taint review.⁹ The letter asks that, if the government
3 has produced any of the requested materials, to please identify the Bates numbers corresponding
4 to those productions. We have not yet received a response.

5
6 11. We requested production of Mr. Andrade's devices on March 3, 2022 (Exh. 1),
7 and the government incorrectly responded that it had produced them already – to predecessor
8 counsel.¹⁰ After numerous emails and conversations, and after conducting diligence and working
9 with our eDiscovery vendor, King & Spalding senior associate Luke Roniger reported to AUSA
10 Dawson on May 3, 2022 that the government had produced to us PDF/TIF placeholders for
11 extractions of Andrade's devices, but there were no associated native files or images.¹¹

12
13 12. Not until after we filed our first motion to compel on July 15, 2022 (Dkt. #97) –
14 requesting devices that were being withheld from Mr. Andrade because some of the 18 seized
15 devices were purportedly still being reviewed by the DOJ taint team¹² – did the government
16 produce anything from the devices. Even then, despite signing a stipulation that if Mr. Andrade
17 dismissed his motion to compel, then it would have the taint team provide Mr. Andrade's devices
18 only to Mr. Andrade as the taint team continued its review (Dkt. #100), the government produced
19 only a small Cellebrite image from Mr. Andrade's Motorola G7 phone and nothing from the
20 other three cell phones seized by the government.
21
22
23

24 ⁹ Exh. 11, Letter from K. Dent to AUSAs Highsmith and Ward (Jan. 12, 2024).

25 ¹⁰ Exh. 12, Email from A. Dawson to L. Roniger (Mar. 24, 2022).

26 ¹¹ Exh. 13, Email from L. Roniger to A. Dawson (May 3, 2022).

27 ¹² As set forth in more detail in the footnotes below, it appears that the FBI had seized eighteen devices from Mr.
28 Andrade, but the government was not certain which of those devices had been imaged and were purportedly still
being reviewed by the taint team.

13. We have since learned through discovery that while we were having to file a motion to compel production of Mr. Andrade’s own Motorola G7 and other devices, the taint review of that phone had been completed almost two years earlier, on August 25, **2020**, when the Regional Computer Forensics Laboratory (“RCFL”) reported to Agent Wynar that it was providing three “minimized working copies of extractions from the Motorola G7 phone, as requested by one of the case agents.”¹³ We also learned from discovery that the taint review was completed for the remaining devices on December 18, **2020**.¹⁴

14. Since then, while the government at various times has reported that it “intends to return Mr. Andrade’s devices that are currently in the government’s possession to him,”¹⁵ that it was “working to understand which of his devices in the FBI’s possession”¹⁶ had been imaged, and that it “hopes to return these devices [the ones that had been imaged] shortly,”¹⁷ it has not done so. After we filed our second discovery motion on November 28, 2022 (Dkt. #120), the government produced on December 8, 2022 an index and a 3TB hard drive, which it said included “images of various devices seized during the course of the government’s investigation,” but after substantial and time-consuming analysis by our eDiscovery vendor, it appears that the 3TB drive produced by the government does **not** include Mr. Andrade’s four cell phones.¹⁸ Our

¹³ Exh. 14, FBI-MAIN-0003445-46.

¹⁴ Exh. 15, FBI-MAIN-0003517.

¹⁵ Exh. 16, Letter from the government to King & Spalding (Aug. 9, 2022).

¹⁶ Exh. 10 (government acknowledged that the FBI had eighteen (18) of Mr. Andrade’s devices in its possession but was still “working to understand which of his devices in the FBI’s possession” had been imaged).

¹⁷ Exh. 10 (government stated that it “hopes to return these devices to Mr. Andrade shortly”).

¹⁸ See Exh. 17, Letter from the government to King & Spalding (Dec. 8, 2022) (government produced a 3TB hard drive, which it said included “images of various devices seized during the course of the government’s investigation”).

1 eDiscovery experts have found nothing in the 3TB relating to three of the cell phones seized
2 from Mr. Andrade. We located files that the government identifies as Mr. Andrade's Motorola
3 G7, but it contains none of Mr. Andrade's WhatsApp and Skype messages with Abramoff and
4 other important witnesses. Accordingly, we asked the government on January 12, 2023, to
5 produce the images that were taken of Mr. Andrade's four cell phones at the time they were
6 seized during the search of his home in March 2020, and the full Cellebrite reports that were in
7 the possession of the forensics laboratory as it conducted its taint review.
8

9 **B. Trezor wallets**

10 15. Included among the eighteen devices taken from Mr. Andrade were four Trezor
11 wallets containing records of digital financial transactions, seized from Mr. Andrade's Houston
12 office on March 12, 2020. Not only is the historical financial data on the Trezors material to the
13 preparation of the defense of an indictment that charges money laundering, but the Trezors were
14 obtained from and belong to the defendant and therefore must be produced under Federal Rule
15 of Criminal Procedure 16(a)(1)(E)(iii). When the government declined to produce data from the
16 Trezor wallets, Mr. Andrade moved to compel their production on July 15, 2022 (Dkt. #97 at
17 3:22). On July 18, 2022, in exchange for Mr. Andrade withdrawing his motion to compel
18 without prejudice, the government represented to Mr. Andrade and the Court that "rather than
19 waiting for the taint team to complete its review, it asked the taint team to make available for
20 production only to defense counsel all the materials being reviewed." Dkt. #100 at 1:25-28.
21
22 And although the government confirmed on September 6, 2022, that Mr. Andrade's four Trezor
23 wallets were among the eighteen devices still in its possession,¹⁹ it has not produced any data
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25
26

27 ¹⁹ Exh. 10.
28

1 from them. Since then, multiple times – in meet-and-confers, and in emails dated August 24,
 2 September 5, September 11, and September 22, 2023 – we have asked that the government
 3 either produce the images it has taken of the data on those Trezor wallets or, alternatively, to
 4 permit us to send someone to inspect the Trezor wallets and make images of all of the digital
 5 currency transactional data on the wallets.²⁰ Nonetheless, even though the historical financial
 6 data on the Trezors is material to our preparation of Mr. Andrade’s defense, and the Trezors
 7 were obtained from and belong to Mr. Andrade, the government has declined to produce data
 8 from the Trezor wallets.
 9

10 **C. Recordings**

11 16. Like the devices, there are many recordings in the case that the government has
 12 not produced. The government has never contested its obligation to produce the recordings, and
 13 it has, on occasion, agreed to produce the recordings, but its current position is that its
 14 “December 23, 2022 discovery letter shows that the FBI recordings have been produced.”²¹ That
 15 letter shows nothing of the kind: it does *not* state that the government has produced *all* of the FBI
 16 recordings, but simply indicates in a chart that the documents Bates-numbered FBI-ITV-000001-
 17 000274 are FBI recordings.²²
 18

19 17. In letters and in meet-and-confers, my colleagues and I have repeatedly pointed
 20 the government to *specific recordings referenced in the government’s own materials that have*
 21
 22
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24 ²⁰ Exh. 18, Email from K. Dent to AUSA Highsmith (Aug. 24, 2023); Exh. 19, Email from K. Dent to AUSA
 25 Highsmith (Sept. 5, 2023); Exh. 7, Letter from King & Spalding to the government (Sept. 11, 2023); Exh. 20, Email
 from K. Dent to AUSA Highsmith (Sept. 22, 2023).

26 ²¹ Exh. 21, Email from AUSA Highsmith to K. Dent (June 27, 2023).

27 ²² Exh. 22, Government Discovery Letter (Dec. 23, 2022).
 28

1 *not been produced*, and described categories of recordings that appear to be missing.²³ The
2 recordings the government refuses to produce include many *of Mr. Andrade himself* that the
3 government made using cooperating, undercover, or other witnesses. These, of course, are at the
4 core of what Rule 16(a)(1)(B) requires the government to produce. Others include recordings of
5 government interviews of key witnesses. Recordings are particularly important in this case
6 because, as Mr. Andrade has previously demonstrated, for interviews in which both a recording
7 and an FBI-302 of interviews have been produced, the FBI-302s omit exculpatory information
8 found by listening to the recordings.²⁴

10 18. The government also has failed to produce recordings referenced in its own
11 emails. For example, Ben Boyer signed a recording agreement with the FBI on April 25, 2019.²⁵
12 On May 30, the case agents emailed Boyer and provided him with suggested questions to ask
13 Mr. Andrade. Afterward, Special Agent Quinn informed Boyer that the call was recorded, and
14 Boyer responds, “Big thumbs up!”²⁶ We specifically requested in our March 3, 2022 discovery
15 letter (Exh. 1) all calls Boyer recorded on the mobile application referenced in the May 30 email
16 exchange between Boyer and the government, but the government has not produced the
17 recording of the call Boyer had with Mr. Andrade that day.

23 *See, e.g.*, Exh. 8, Letter from K. Dent to AUSA Highsmith (May 10, 2023 at 6-7).

24 *See, e.g.* Exh. 23, FBI-302-002089, Interview of Abramoff during the FBI search of his home (Sept. 13, 2018) (omits discussion in recording 1D-39 of AML Bitcoin documents found in Maria Butina’s home with extensive handwritten notes of Erickson). 1D-39 (58:00-59:00).

25 ²⁵ Exh. 24, FBI-MAIN-0000905, Boyer Recording Agreement with FBI (April 25, 2019). Note that the Boyer
26 Recording is dated twice, with two different years: 2018 and 2019. Although we requested clarification from the
27 government on November 8, 2023, we have not yet received an answer.

28 ²⁶ Exh. 25, FBI-302-000139, Email between FBI Agent Quinn and Ben Boyer (May 30, 2019).

19. We have identified unproduced recordings for the government repeatedly, including in meet and confers on June 22, June 26, and August 18, 2023. Recently, we learned that IRS Agent Bryan Wong recorded an interview he had with Karl Ruzicka, Mr. Andrade's accountant.²⁷ The government did not produce that recording. We have no way of knowing how large the universe of unproduced recordings is, but the discovery produced to date gives strong indications that the specific recordings identified above are not the only recordings the government has failed to produce.²⁸

D. Materials from the SEC's Investigation

20. The case law cited above and in our third motion to compel makes clear that the government's discovery obligations extend beyond production of what is in the possession of the AUSAs. In the spirit of well-established Ninth Circuit law, nearly two years ago, on March 7, 2022, we requested that the government produce Rule 16 and *Brady* materials not only in the possession of the Department of Justice ("DOJ") and the prosecutorial team, but also in the possession of the Securities and Exchange Commission ("SEC").²⁹ The government responded on May 23, 2022 that it does "not have access to SEC documents."³⁰ When Mr. Andrade followed up on July 15, 2022 with more specific requests for the SEC's transcripts, memoranda,

²⁷ Exh. 26, IRS-MEMOS-0000053, Interview of Karl Ruzicka (Agent Wong "met with Karl Ruzicka . . . Agent Wong recorded the conversation") (Feb. 20, 2020).

²⁸ For example, Michael Witte, a purchaser of Aten Coin and AML tokens, signed an agreement with the FBI on June 18, 2019, to use to use a body recorder, a transmitter, and a recording device to record his activities with Mr. Andrade, but Mr. Andrade has not received any recordings of conversations he had with Dr. Witte. *See* Exh. 27, FBI-MAIN-0003219, Michael Witte Recording Agreement (June 18, 2019).

²⁹ Exh. 2, Discovery Letter (Mar. 7, 2022).

³⁰ Exh. 28, Email from AUSA Dawson to M. Shepard (May 23, 2022).

1 or recordings of witness statements and/or interviews,³¹ the government initially responded on
 2 August 9, 2022 that “the SEC is a separate government agency and is not part of the trial
 3 team.”³² The opposite is true. In fact, the government worked closely with the SEC in this
 4 investigation: the DOJ and the SEC conducted numerous joint interviews³³ – including
 5 interviews of some of the most important witnesses in the case – and the government went so far
 6 in the press release announcing the indictment of Mr. Andrade as to laud the SEC’s assistance in
 7 the government’s investigation.³⁴ After being reminded of these facts the government agreed to
 8 reach out to Alice Jensen of the SEC Enforcement Division’s Market Abuse Unit, who was one
 9 of the SEC officials who worked with DOJ on the investigation of Mr. Andrade.
 10

11 21. We included our request for the SEC materials in our second motion to compel on
 12 November 28, 2022 (Dkt. # 120), asking the Court to order production of the SEC materials.
 13 The Court has not yet ruled on that request. We again reminded the government in our May 10,
 14 2023 letter (Exh. 8) and in subsequent meet-and-confers that we still had received no SEC
 15 materials in discovery. Thereafter, all the government produced was the 279 pages that Mr.
 16 Andrade *voluntarily produced to the SEC himself on April 25, 2018*.³⁵ With that, the government
 17
 18

19 ³¹ Exh. 4, Discovery Letter (July 15, 2022).

20 ³² Exh. 16, Letter from the government to King & Spalding (Aug. 9, 2022).

21 ³³ See Exh. 29, FBI-302-010013 (interview of Warren Cully of DIT Network), Exh. 30, FBI-302-011441 interview
 22 of David Mata); Exh. 31, FBI-302-005224 (interview of Melissa Foteh, who worked for Andrade and likely will be
 23 a government witness); Exh. 32, FBI-302-005180 (interview of Brad Grimm, who met Abramoff in a substance
 24 abuse program and later introduced him to Dillman); Exh. 33, FBI-302-005197 (interview of Hung Tran, who
 helped develop the AML Bitcoin token); Exh. 34, FBI-302-005287 (interview of John Szeder, a software engineer
 for BlockBits).

25 ³⁴ See DOJ Press Release, *Lobbyist Jack Abramoff And CEO Rowland Marcus Andrade Charged With Fraud In*
 26 *Connection With \$5 Million Initial Coin Offering Of Cryptocurrency AML Bitcoin* (June 25, 2020), available at
<https://www.justice.gov/usao-ndca/pr/lobbyist-jack-abramoff-and-ceo-rowland-marcus-andrade-charged-fraud-connection-5>.

27 ³⁵ Exh. 35 Letter from J. Fahy to SEC, providing voluntary production of 279 documents.
 28

1 announced on September 14, 2023, that it had “already provided all SEC documents in our
2 possession. We will not be producing any additional SEC documents.”³⁶

3 22. I have set forth in our third motion to compel the case law demonstrating that the
4 government’s position is inconsistent with Ninth Circuit law, which requires the prosecutors to
5 produce any and all materials from the SEC’s investigation of Mr. Andrade, consistent with its
6 obligations under Rule 16 and *Brady*, whether the AUSAs have actual possession of them or not.
7 At times, the government has acknowledged its obligation to obtain and produce the SEC
8 documents: on November 8, 2022, it wrote that it was “working with SEC counsel to get their
9 permission to produce documents related to the parallel SEC investigation into AML Bitcoin,”³⁷
10 and in June 2023, it claimed that it was “working on getting” Mr. Andrade the “SEC
11 investigation materials.”³⁸ But it never produced any such information.
12

13 23. The government’s only justification for its failure to do so referenced work
14 product: it emailed on October 29, 2022 that it had “now reached out to Alice Jensen regarding []
15 files in the SEC’s parallel investigation, and she is considering the request. . . . Your request is so
16 broad that it would appear to encompass SEC attorney work product, which I can only assume
17 they will not produce. Nor would you be entitled to it.”³⁹ The government added that it has
18 “never heard of the SEC providing a privilege log of materials withheld due to their own
19 privilege” and that it “can’t imagine they would do so.” These responses fail to address the
20 central problem with the government’s production: that other than what Mr. Andrade gave the
21 SEC, it has not produced *any* of the SEC’s documents, regardless of whether those documents
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25 ³⁶ Exh. 9, Letter from AUSA Highsmith to King & Spalding (Sept. 14, 2023).

26 ³⁷ Exh. 36, Email from AUSA Dawson to K. Dent (Nov. 8, 2022).

27 ³⁸ Exh. 21, Email from AUSA Highsmith to K. Dent (June 27, 2023).

28 ³⁹ Exh. 37, Email from AUSA Dawson to K. Dent (Oct. 29, 2022).

1 constitute work product.

2 24. The government ignored our attempt, on November 1, 2022, to provide a
3 narrowly tailored list of some of the many types of “information from the SEC investigation that
4 would be material to the preparation of Andrade’s defense and *not* subject to privilege or work
5 product claims, including but not limited to bank statements, interviews and/or testimony, and
6 whistleblower complaints.” In addition, the government’s assertion that Mr. Andrade is not
7 entitled to any of the SEC’s work product is meritless. The work product doctrine is not
8 absolute, but rather is a “qualified immunity” that protects discovery prepared by a party in
9 anticipation of litigation and may be overcome by a showing of need. *Admiral Ins. Co. v. U.S.*
10 *Dist. Ct.*, 881 F.2d 1486, 1494 (9th Cir. 1989). In similar cases, review and possible production
11 of SEC work product has been required, at least as necessary to fulfill the government’s *Brady*
12 obligations. *See United States v. Gupta*, 848 F. Supp. 2d 491, 492-94 (S.D.N.Y. 2012) (“That
13 separate government agencies having overlapping jurisdiction will cooperate in the factual
14 investigation of the same alleged misconduct makes perfect sense; but that they can then
15 disclaim such cooperation to avoid their respective discovery obligations makes no sense at
16 all.”).

19 **E. Turnberry Solutions Documents**

20 25. Despite repeated requests – in meet-and-confers, a July 31, 2023 letter,⁴⁰ and a
21 September 26, 2023 email⁴¹ – the government has not made a complete production of documents
22 from Turnberry Solutions, LLC (“Turnberry”). The government issued a grand jury subpoena to
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24
25

26 ⁴⁰ Exh. 6, Letter from K. Dent to AUSA Highsmith (July 31, 2023).

27 ⁴¹ Exh. 38, Email from K. Dent to AUSA Highsmith (Sept. 26, 2023).

Turnberry on August 7, 2019, in connection with the investigation that led to the indictment of Mr. Andrade, seeking “records relating to lobbying and promotional efforts made by Turnberry Solutions regarding a product called AML Bitcoin, owned by the NAC Foundation.”⁴² Turnberry produced files on September 12, 2019, through its lawyers at Jones Day, who made clear in their cover letter that they had not withheld any documents based on privilege or for any other reason.⁴³ Seven hundred (700) pages of the production made by Turnberry remain unproduced.

F. Abramoff’s Devices

26. The government has not produced all of the devices it collected from Abramoff, many of which likely include more evidence of Abramoff’s criminal conduct, as well Rule 16 and *Brady* material.⁴⁴ The Court already has determined that the government’s Rule 16 obligations in this case extend to a range of information relating to alleged co-schemer Jack Abramoff, including “whether Mr. Abramoff may have been working against Mr. Andrade, and how that affects Mr. Andrade’s responsibility and scienter.” *United States v. Andrade*, April 7, 2023 Discovery Order (Dkt. #165). Because Abramoff is central to Mr. Andrade’s defense, our March 3, 2022, discovery request (Exh. 1) provided a detailed description of the more than ten

⁴² Exh. 39, FBI-GJ-0002970-72, Grand Jury Subpoena to Turnberry Solutions (Aug. 7, 2019).

⁴³ Exh. 40, FBI-GJ-0000001 and FBI-GJ-0000002, Turnberry Document Production to Grand Jury by Jones Day (Sept. 12, 2019).

⁴⁴ The only Abramoff device we are certain has been produced in discovery is Abramoff’s iPhone, which was initially produced to us in May 2022. After we determined that the case agents had a significant number of material communications that were missing from the version of the phone we received, the government agreed to provide us with a complete extraction of Abramoff’s phone in March 2023. The government also represented to the Court that it would do so (Dkt #158). But it was not until after we filed another motion to compel, and engaged in substantial additional briefing, and attended another hearing, and after the Court ordered the government to produce the phone on July 13, 2023 (Dkt # 198), that the government finally produced Abramoff’s iPhone. If the government has produced other portions of Abramoff’s devices in discovery, then we have not been able to identify them and are hopeful that the government will provide Bates numbers for them.

1 devices collected from Abramoff that are referenced in various FBI documents but for which the
 2 government had not produced images in discovery.⁴⁵ In response, the government stated that
 3 “materials seized from these devices have been produced,”⁴⁶ but we explained that the
 4 government’s production included placeholders (PDF slip-sheets) but no actual extractions of
 5 Abramoff’s devices.⁴⁷

7 27. Two of Abramoff’s devices are of particular interest to the defense because we
 8 are confident they will contain Rule 16 material and possibly *Brady* material: a) the Blu-ray disc
 9 (SVE058604); and b) the Oceana USB Thumb drive (SVE056535- 1B13). Our most recent
 10 exchange with the government regarding the Blu-Ray disc took place on July 31, 2023, when we
 11 specifically requested that the government produce “a copy of the Blu-ray disc (SVE058604),
 12 referenced in FBI-MAIN-0000971, that the Silicon Valley Regional Computer Forensics
 13 Laboratory *provided to the case agents on September 27, 2018.*”⁴⁸ The Blu-ray disc was created
 14 from Abramoff’s phone extractions on July 16, 2019, at the direction of Special Agent Ablett,
 15 who requested a report of WhatsApp messages and text messages between Abramoff and a list of
 16 individuals (not named in the 302 report), and from October 4, 2018 to July 16, 2019.⁴⁹ The
 17 government responded on September 14, 2023, that the Blu-ray disc is “a derivative of the Jack
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21 ⁴⁵ Exh. 1, Discovery Letter (Mar. 3, 2022), citing: Exh. 41, FBI-MAIN-0001046 (Agent Wynar’s list of digital
 22 material seized from Abramoff’s residence, including a computer disc, a Seagate Hard Drive, an Oceana USB
 23 Thumb drive, a Dell Latitude Laptop, two discs from an Asus Laptop, and an iPhone); Exh. 42, FBI-MAIN-0001049
 (report from Silicon Valley Regional Computer Forensics Laboratory indicates that the FBI delivered ten devices
 seized from Abramoff’s home to the laboratory for taint review); and Exh. 43, FBI-MAIN-0000912 (update on taint
 review and Case Agent Investigative Review of Abramoff’s devices).

24 ⁴⁶ Exh. 12, Email from A. Dawson to L. Roniger (Mar. 24, 2022).

25 ⁴⁷ Exh. 13, Email from L. Roniger to A. Dawson (May 3, 2022).

26 ⁴⁸ Exh. 6, Letter from K. Dent to AUSA Highsmith (July 31, 2023).

27 ⁴⁹ Exh. 64, FBI-MAIN-0000971, SVRCFL Examination Report (July 29, 2019).

1 Abramoff iPhone” it produced in July 2023, and that it “may contain potentially privileged
 2 material,” so it will not produce it.⁵⁰ The fact that a disc “may” contain “potentially” privileged
 3 material does not release the government from its obligations under Rule 16 and *Brady* to
 4 produce the portions of the disc that are not privileged, or to fail to produce a privilege log.

5 28. The Oceana thumb drive recovered from Abramoff’s home is referenced in an
 6 FBI report dated March 16, 2020, right around the time that the FBI searched Mr. Andrade’s
 7 home.⁵¹ The FBI report “memorialize[s] the continued examination” of the Oceana thumb drive.
 8 Special Agent Wynar notes that the government was able to recover several deleted files from
 9 the drive, including documents relating to the bankruptcy of CS Mining (a company defense
 10 counsel knows to be affiliated with the Landfair Capital account Abramoff used to help his
 11 fellow miscreants purchase AML Bitcoin and to camouflage his wrongful lobbying activities by
 12 suggesting that he was doing AML Bitcoin-related work). We reminded the government –
 13 in our May 10, 2023 letter addressing outstanding discovery issues⁵² – that we still had not
 14 received an image or copy of the Oceana USB Thumb drive (SVE056535- 1B13), which we
 15 continue to believe contains additional evidence of Abramoff’s criminal conduct. We have not
 16 received a copy of the drive.

19 **G. Search warrants, subpoenas, and related materials**

20 29. Mr. Andrade requested – for a list of individuals and entities – search warrants,
 21 underlying affidavits and materials, subpoenas, and fruits of subpoenas, that reference AML
 22

24 _____
 25 ⁵⁰ Exh. 9, Letter from AUSA Highsmith to K. Dent (Sept. 14, 2023).

26 ⁵¹ Exh. 44, FBI-302-005431, FBI report memorializing the continued examination of 1B13, a thumb drive seized
 from Abramoff’s home (March 16, 2020).

27 ⁵² Exh. 8, Letter from K. Dent to AUSA Highsmith (May 10, 2023), at 11.

1 Bitcoin, Mr. Andrade, or NAC Foundation.⁵³ The government stated in its August 9, 2022
 2 response that “many of the names” listed in this request are not relevant to Mr. Andrade’s case.⁵⁴
 3 The government has never specified which individuals or entities it thinks are not relevant, and
 4 despite implicitly acknowledging that some *were* relevant, it produced nothing.

5
 6 There is no question that the names *are* relevant. Addressing the government’s claim that
 7 some of the information sought was irrelevant, more than a year ago, in our second motion to
 8 compel (Dkt. #120), we provided the government with detailed information about how each of
 9 the individuals and entities is material to Mr. Andrade’s defense.⁵⁵

10 30. In addition, in the course of reviewing the massive amount of discovery in this
 11 case, Mr. Andrade has learned of other individuals who were subpoenaed in connection with Mr.
 12 Andrade’s case, including David Salmon, who represented NAC Foundation and Mr. Andrade,
 13 and Peter Ferrara, who wrote articles at Abramoff’s direction that are alleged to contain
 14 misrepresentations favoring AML Bitcoin, but Mr. Andrade has not received the fruits of those
 15 subpoenas. Finally, we recently learned that the government also has informally requested
 16 documents from dozens of witnesses, through phone interviews with AML Bitcoin purchasers
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21 ⁵³ Exh. 4 Discovery Letter (July 15, 2022).

22 ⁵⁴ Exh. 18, Letter from the government to King & Spalding (Aug. 9, 2022).

23 ⁵⁵ See Declaration of Kerrie C. Dent in Support of Andrade’s Second Motion to Compel (Nov. 28, 2022), Dkt #120-
 24 1, ¶ 48 (explaining that “[a]ll of the individuals and entities identified by Mr. Andrade’s discovery request are
 25 material to our preparation of Mr. Andrade’s defense because they have either direct or indirect ties with AML
 26 Bitcoin. For example, discovery confirms that NAC hired “ICOBox”—one of the entities identified in the July 15
 27 letter—and used their Initial Coin Offering (ICO) platform to aid in the AML Bitcoin ICO and assist with marketing
 28 efforts more generally. Additionally, we understand Alex Moskovsky, Daria Generalova, Anar Babayev, Nickolay
 Evdokimov, Michael Raitzin, Gary Baiton, Vladimir Sofrono, and others were associated with ICOBox. Others on
 the list—including Richard Naimer, Dana Rohrabacher, Natko Vlahovic, Carlos De La Guardia, and Ricardo
 “Catin” Vasquez—were associated with NAC. Still others, including Brian Darling, Cory Lewandowski, and
 Turnberry Solutions, were directly involved in the NAC marketing campaign.”).

1 conducted by IRS Agent Bryan Wong.⁵⁶ We have not been able to locate any of those
2 documents (if there are any) in discovery.

3 **H. Documents Relating to Abramoff's Criminal Wrongdoing**

4 31. In response to our request for documents relating to Abramoff's criminal
5 wrongdoing, the government objected on October 29, 2022 that the request for "all material
6 relating to Abramoff's criminal conduct" is "enormously overbroad."⁵⁷ That Mr. Abramoff is
7 such a prolific criminal that the government finds a request for materials relating to his criminal
8 conduct "enormously overbroad" underscores the importance and materiality of those documents
9 to the preparation of Mr. Andrade's defense.

11 32. The information sought is not merely impeachment; rather, Mr. Abramoff's
12 criminal conduct is material to our preparation of Mr. Andrade's defense. As Mr. Andrade has
13 contended in seeking discovery, as this Court has recognized in ordering additional discovery
14 from the government, and as Mr. Andrade's defense at trial will establish, Abramoff was using
15 Mr. Andrade's business and AML Bitcoin to commit the alleged criminal conduct with which
16 Mr. Andrade is charged *and* Abramoff was doing so for purposes of engaging in schemes that
17 were unknown to Mr. Andrade and contrary to what Mr. Andrade was seeking to accomplish.
18 Information about Abramoff's many schemes – especially those where he engaged in conduct
19 that involved cheating people, working behind the back of his colleagues, and/or advancing his
20 own various causes and interests– are material to the preparation of Mr. Andrade's defense and
21 will be exculpatory. The information is not merely *Giglio* material: it is Rule 16 and *Brady*
22 material, and Mr. Andrade is entitled to it now. Abramoff's conduct by design is often coded,
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26 ⁵⁶ Exh.45, IRS-MEMOS-0000001 to IRS-MEMOS-00000056, Agent Wong interviews (June to Nov. 2019).

27 ⁵⁷ Exh. 37, Email from AUSA Dawson to K. Dent (Oct. 29, 2022).

1 disguised, and elaborate, so it takes time to investigate. In addition, the government's production
 2 of materials, as demonstrated above and in prior filings, is regularly incomplete, and sometimes
 3 shuffled, requiring substantial additional time. Under these circumstances, there is no reason to
 4 delay production of this information.

5
 6 33. Although the government has produced some documents relating to Abramoff's
 7 wrongdoing, there are many related documents material to Andrade's defense that have not been
 8 produced, including but not limited to FBI summaries and 302s relating to or referencing
 9 Abramoff and his prior wrongdoing, plea agreements, documents relating to Abramoff's
 10 undercover work, and Abramoff's informant file.⁵⁸ By way of example, the government has
 11 produced nothing from the investigations of Abramoff in the District of Maryland, the Southern
 12 District of New York,⁵⁹ the District of Columbia,)or the Southern District of Florida. Nor has
 13 the government produced materials from cases that the FBI 302 reports cross-referenced with
 14 Mr. Andrade's case, including references to cases in Minnesota, Los Angeles, South Dakota,
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18 ⁵⁸ Mr. Andrade reminded the government in his May 10, 2023 discovery letter that he has not received FBI
 19 statements, notes, or paperwork relating to Abramoff's past cooperation in, or role as an informant in, this and other
 20 criminal cases, and statements the government made to Abramoff (including statements made to Abramoff and
 21 documents created by FBI agents to comply with the Attorney General's Guidelines Regarding the Use of
 22 Confidential Informants, III(A)).

23 ⁵⁹ The government would have the Court believe that the investigation in the Southern District of New York is
 24 unrelated to Mr. Andrade's case. Gov't Response to Court Order, Dkt. # 237 (Nov. 9, 2023) ("Alexander Levin's
 25 cell phone [] was seized pursuant to a search warrant in the Southern District of New York in connection with an
 26 entirely separate investigation") and Hearing Transcript, Dkt. #255 (Dec. 14, 2023) ("[I]t's also not my case. This is
 27 a totally separate case . . . a very high-profile case."). However, newly publicized information from unsealed search
 28 warrants relating to the Southern District of New York's investigation indicates that the conduct being investigated
 there -- Rudy Giuliani's alleged efforts to remove the U.S. Ambassador to Ukraine in 2019 -- is one of the many
 activities about which Abramoff and Levin communicated in May 2018 and for which Abramoff sent Levin a
 \$750,000 invoice disguising the activities as being for "Cryptocurrency Project: Landfair Capital Consulting." (FBI-
 302-005158). The communications between Abramoff and Levin were among those not included in the first
 production of Abramoff's phone to Mr. Andrade. *See* Andrade's Motion to Compel Abramoff's Phone (Dkt. #192,
 5:2-7). The government produced a more complete version of Abramoff's phone after the Court granted Mr.
 Andrade's motion for Abramoff's phone on July 13, 2023 (Dkt. #198).

1 Tampa Bay, Fort Lauderdale, Miami, and Washington, D.C.⁶⁰ Finally, although the government
 2 has produced a six-page summary of global wire transfers related to Mr. Andrade’s case,⁶¹ some
 3 of which relate to Abramoff’s wrongdoing associated with his various “lobbying” campaigns, it
 4 has not produced complete sets of bank statements for the accounts from which the wires were
 5 sent and received. For example, the government has produced some, but not all, of the bank
 6 statements for Landfair Capital Consulting, LLC. It has not produced any of the bank statements
 7 for some of the entities Abramoff used to engage in wrongdoing using AML Bitcoin, including
 8 Lexington Strategies, LLC, Stonington Strategies, LLC, AFH & Associates, Inc., Pangea, LLC,
 9 and Sepo Holdings, all of which Abramoff used in the course of his conducting his illegal
 10 lobbying and other wrongdoing.

12 **I. 404(b) Evidence**

13 34. The government has declined to respond to our request on September 11, 2023, to
 14 produce 404(b) evidence within 30 days.⁶² This CJA case is complex, and review and analysis of
 15 the 404(b) evidence produced by the government will be time-consuming. The government has
 16 consistently made productions in ways that require far more time to review than is ordinarily the
 17 case, including producing information in non-searchable formats and without Bates numbers,
 18 and sometimes shuffling the pages. In addition, the government has repeatedly failed to make
 19 complete productions of material it is obligated to produce, necessitating discovery motions to
 20 compel production – the preparation and decisions on which take time.

24 ⁶⁰ Mr. Andrade’s case is sometimes cross-referenced with other investigations that involve Abramoff, and those case
 25 files may have documents material to the preparation of Mr. Andrade’s defense. *See* Exh. 46, FBI-MAIN-0001067
 26 (examination of Abramoff’s handwritten notes relating to anti-Ukraine campaigns, cross-referencing 813C-HQ-
 3178392).

27 ⁶¹ Exh. 63, IRS-GJ-0009272-9277, Spreadsheet titled “Global Payments Reporting US Wire.”

28 ⁶² Exh. 7, Letter from K. Dent to AUSA Highsmith (Sept. 11, 2023).

35. Not counting any pre-indictment time, the government has had three and a half years to decide what its Rule 404(b) evidence will be. Rule 404(b)(3)(A) requires that the prosecutors provide Mr. Andrade and his counsel “reasonable notice” of 404(b) evidence they intend to offer at trial, “so that the defendant has a fair opportunity to meet it[.]” There is no reason to delay the production of Rule 404(b) evidence other than to limit our time to digest it, to ensure that the production was complete, and to be prepared to respond to it.

J. Undercover Operations

36. We have informed the government in several meet-and-confers, and in our May 10, 2023 letter,⁶³ that we have not received all of the documents relating to AML Bitcoin group chats on Telegram and Discord channels and other documents reflecting undercover (“UC”) operations in this case, requests King & Spalding made on May 10, 2022.⁶⁴ The government has never asserted that it is not obligated to produce these materials, and the government’s current position is that its November 17, 2022 discovery letter⁶⁵ shows that the entire UC file, including the Telegram and Discord documents, was produced.⁶⁶ The November 17 letter – like the other letter cited by the government in its June 27, 2023 email (discussed above) – shows nothing of the kind. It does *not* state that the government has produced the entire UC file, but simply indicates in a chart that some of the documents being produced are records from the physical file, which includes, *inter alia*, UC subfiles.

⁶³ Exh. 8, Letter from K. Dent to AUSA Highsmith (May 10, 2023).

⁶⁴ Exh. 3, Discovery Letter (May 10, 2022).

⁶⁵ Exh. 58, Letter from government to King & Spalding (Nov. 17, 2022).

⁶⁶ Exh. 21, Email from AUSA Highsmith to King & Spalding (June 27, 2023).

37. What the government has already produced from the UC file leaves little doubt there is more that remains unproduced. We provided the government with the names of individuals whose undercover activities do not appear to have been produced, either in the form of documents or recordings, even though those undercover activities aimed at Mr. Andrade are documented in the government's own records. For example, the government has not produced the recordings of any conversations between Joe Ortiz and Mr. Andrade, or between Mr. Andrade and any UCEs Ortiz may have introduced him to, even though Mr. Andrade's case agents reported, on May 16, 2018, that they interviewed Ortiz regarding "Rowland Marcus Andrade, and Andrade's current cryptocurrency company, AML Bitcoin" and that "Ortiz agreed to make a recorded telephone call to Andrade. Ortiz successfully contacted Andrade with agents present and agreed to record all further contacts he had with Andrade."⁶⁷ Furthermore, Ortiz specifically agreed, on August 27, 2018, to ask Mr. Andrade "the name of the congressman or senator he was working with."⁶⁸ In addition, when we suggested to the government that it had not produced all of the recordings involving Shailendra ("Shalu") Maheshwari, the government claimed that the prosecutors and the case agents "are not aware of any connection between . . . Shailendra Maheshwari and this case."⁶⁹ Yet, a quick search on the Relativity database containing the government's productions in this case reflects that he is referenced 999 times, including in dozens of communications that reflect his role in drafting four Asset Purchase Agreements between Japheth Dillman and Ben Boyer (believed to be Purchaser-1 in the Indictment), pursuant to which Dillman was to buy back all of Boyer's AML Bitcoin. Other

⁶⁷ Exh. 59, FBI-MAIN-0000343, Ortiz's agreement to record calls with Mr. Andrade (May 16, 2018).

⁶⁸ Exh. 60, FBI-MAIN-0003060, Emails between Ortiz and Special Agent Ablett (Aug. 27, 2018).

⁶⁹ Exh. 37, Email from AUSA Dawson to King & Spalding (Oct. 29, 2022).

documents show that Maheshwari was introduced to Mr. Andrade by David Mata, an individual who was indicted in a related case and has been cooperating with the government in this case.

Any recordings of Maheshwari should be produced.

38. Mr. Andrade has asked the government on several occasions to produce the messages, email notifications, and other documents or videos relating to the AML Bitcoin Telegram and Discord group chats. Our understanding is that an undercover employee (“UCE”) referred to online as ModernReboot (UCE #8148),⁷⁰ who called himself Joseph Lerner, joined (or created) four AML Bitcoin group chats – one (1) on Telegram and three (3) on Discord. One of the videos from the group chats that has not been produced is an April 2020 public zoom that Mr. Andrade conducted with members of the chat groups, demonstrating that the technology for AML Bitcoin worked and that ComplyAdvantage was monitoring transactions. ModernReboot encouraged participants in the group chats to spread negative, untrue information about Mr. Andrade and AML Bitcoin. Each time a group chat participant writes in a group chat, the members receive email notifications, but the only email notifications produced to Mr. Andrade were a handful of Discord email notifications that were part of Ben Boyer’s production to the grand jury.⁷¹ ModernReboot also set up an email account and put it on the Discord and Telegram group chats so that people could easily file complaints and/or contact the authorities. We have not received in discovery any of the messages sent to that email address from group chat members. The documents, recordings, videos, CHS reports, and other materials reflecting undercover operations in this case should all be produced consistent with the prosecutors’ obligations under Rule 16 and *Brady*.

⁷⁰ Exh. 61, FBI-UC-000001, Creation of username ModernReboot for Online Covert Activity (March 7, 2018).

⁷¹ Exh. 62, FBI-GJ-0006073, Example of Discord Email Notification (May 2, 2018).

K. Treasury Department Investigation

39. The government has not made any production responsive to our July 31, 2023 request for information related to the Treasury Department's investigation of a civil rights complaint that Mr. Andrade filed on September 4, 2019, alleging that Abramoff sought an IRS investigation of Mr. Andrade as retaliation for Mr. Andrade refusing to capitulate to Abramoff's escalating attempts to extort money from him.⁷² According to documents we have reviewed, Special Agent Vicki Morgan at the Treasury Department's Office of Inspector General was investigating the matter. She provided Mr. Andrade with his Civil Rights Complaint number, held a conference call with Mr. Andrade and his counsel to discuss the matter, and requested (and received) additional information and supporting documentation relating to the civil rights complaint. One of Mr. Andrade's civil lawyers, Christopher Ray, sent Agent Morgan a letter with additional details about Mr. Andrade's complaint, including numerous attachments.⁷³ In April 2020, without explanation, Agent Morgan abruptly stopped communicating with Mr. Andrade and his counsel, and they never heard anything back from Treasury, even after they inquired about the investigation. Although the government has not produced a single document responsive to this request, it reported on September 14, 2023, that it has "produced the responsive documents in [its] possession," impliedly suggesting that it does not have any such documents.

40. The prosecutorial team has knowledge of and access to any investigation Treasury did into Mr. Andrade's civil rights complaint making accusations against Mr. Abramoff and his

⁷² Exh. 47, Treasury Civil Rights Complaint (Sept. 4, 2019).

⁷³ Exh. 48, Letter from Christopher Ray to Agent Vicki Morgan at Treasury (February 2, 2020).

1 unidentified contacts at Treasury. The prosecutorial team has been working on the Andrade case
2 with the IRS for years. IRS Special Agent Bryan Wong obtained a search warrant to search
3 Andrade's home on March 6, 2020⁷⁴ and verified the Complaint for Civil Forfeiture the
4 government filed against Mr. Andrade.⁷⁵ Together with several of his IRS colleagues, Agent
5 Wong participated in the search of Abramoff's home on September 13, 2018⁷⁶ and the search of
6 Japheth Dillman's home on September 20, 2018.⁷⁷ He also has actively participated in
7 interviewing witnesses in the criminal case against Mr. Andrade. Agent Wong interviewed
8 dozens of AML Bitcoin purchasers about the allegations in the criminal complaint against Mr.
9 Andrade,⁷⁸ and he was involved in the interviews of key witnesses in the case against Mr.
10 Andrade, including those of Japheth Dillman and David Mata, both of whom have been indicted
11 in related cases;⁷⁹ Richard Naimer;⁸⁰ Abramoff;⁸¹ Warren Cully⁸² and Mark Kalbfeld,⁸³ a film
12 producer who was questioned about the AML Super Bowl ad. Mr. Andrade's prosecutorial team
13 should reach out to the Treasury Department and determine whether it has Rule 16 and/or *Brady*
14 materials as a result of its investigation into Mr. Andrade's civil rights complaint.
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19 ⁷⁴ Exh. 49, FBI-00029626, Search warrant for Andrade's home (March 6, 2020).

20 ⁷⁵ Exh. 50, FBI-302-006409, Cmplt. for Civil Forfeiture the government filed against Mr. Andrade Mar. 23, 2020).

21 ⁷⁶ Exh. 51, FBI-MAIN-0000692, Search of Abramoff's home (September 13, 2018).

22 ⁷⁷ Exh. 52, FBI-MAIN-0000821, Search of Dillman's home (Sept. 20, 2018).

23 ⁷⁸ Exh. 45, IRS-MAIN-000001, Agent Wong Interviews of AML Bitcoin Purchasers (2019).

24 ⁷⁹ Exh. 53, FBI-302-001759, Telephone interview of Japheth Dillman and David Mata.

25 ⁸⁰ Exh. 54, FBI-302-005052, Richard Naimer interview.

26 ⁸¹ Exh. 55, FBI-302-005432, Abramoff interview.

27 ⁸² Exh. 56, FBI-302-010013, Warren Cully interview.

28 ⁸³ Exh. 57, FBI-302-005652, Mark Kalbfeld interview.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct.

3
4 Executed on January 25, 2024, at McLean, Virginia

5 /s/ Kerrie C. Dent

6 Kerrie C. Dent
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